

B. REMARKS

The Examiner is thanked for the performance of a thorough search. No claims have been canceled or added in this reply. Hence, Claims 1-24 are pending in this application. The amendments to the claims do not add any new matter to this application. Furthermore, the amendments to the claims were made to improve the readability and clarity of the claims and not for any reason related to patentability. All issues raised in the Office Action mailed June 2, 2006 are addressed hereinafter.

ALLOWABILITY OF CLAIMS

The indicated allowability of Claims 2-9 and 12-19 is gratefully acknowledged. These claims have not been rewritten in independent form at this time however, because it is believed that all of the pending claims are patentable over the references cited and relied upon for at least the reasons set forth hereinafter.

REJECTION OF CLAIMS 1, 10, 11 AND 20-22 UNDER 35 U.S.C. § 102(b)

Claims 1, 10, 11 and 20-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Meyer*, U.S. Patent No. 5,898,891. It is respectfully submitted that Claims 1, 10, 11 and 20-22, as amended, are patentable over *Meyer* for at least the reasons provided hereinafter.

CLAIM 1

Claim 1, as amended, is directed to a machine-implemented method for replicating content of a source disk to at least one of a plurality of target disks that recites:

“establishing at most one producer process for reading content of a source disk into a buffer;
establishing at least one consumer process for reading content from the buffer and writing the content to a target disk; and
coordinating concurrent synchronous copy operations by the producer process from the source disk to the buffer and by the at least one consumer process from the buffer to the target disk.”

It is respectfully submitted that Claim 1 recites one or more limitations that are not taught or suggested by *Meyer*. For example, Claim 1 recites that the content is copied from a source disk to a target disk via a buffer. Claim 1 also recites that coordinated concurrent synchronous

copy operations are used to accomplish the transfers of data from the source disk to the buffer and from the buffer to the target disk. It is respectfully submitted that these limitations are not taught or suggested by *Meyer*.

The Office action asserts that the Claim 1 limitations “coordinating concurrent synchronous copy operations by the producer process from the source disk to the buffer and by the at least one consumer process from the buffer to the target disk” are taught in *Meyer* at Col. 3, lines 1-4. This portion of *Meyer* describes a technique for using a software routine to allow data to be written to a tape drive coupled to an IDE interface, while data was read from a disk drive coupled to the interface. There is no indication that the described approach is applicable to transferring data from a source disk to a target disk via a buffer, as recited in Claim 1. The approach is described only in the context of transferring data from a disk to a tape drive. Furthermore, *Meyer* at Col. 3, lines 10-11 states “[t]he disclosed system is unavailable for transferring data between hard drives.” Thus, *Meyer* explicitly teaches away from using the technique in the context of disk-to-disk transfers. It is therefore respectfully submitted that at least the Claim 1 limitations “coordinating concurrent synchronous copy operations by the producer process from the source disk to the buffer and by the at least one consumer process from the buffer to the target disk” are not taught or suggested by *Meyer*.

It is therefore respectfully submitted that Claim 1 recites one or more limitations that are not taught or suggested by *Meyer* and is therefore patentable over *Meyer*.

CLAIM 10

Claim 10 depends from Claim 1 and includes all of the limitations of Claim 1. It is therefore respectfully submitted that Claim 10 is patentable over *Meyer* for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that Claim 10 recites additional limitations that independently render them patentable over *Meyer*.

CLAIMS 11 AND 20

Claim 11 recites limitations similar to Claim 1, except in the context of a computer-readable medium. It is therefore respectfully submitted that Claim 11 is patentable over *Meyer* for at least the reasons set forth herein with respect to Claim 1. Claim 20 depends from Claim 11 and includes all of the limitations recited in Claim 11. It is therefore respectfully submitted that

Claim 20 is patentable over *Meyer* for at least the reasons set forth herein with respect to Claim 11.

CLAIMS 21 AND 22

Claims 21 and 22 recite limitations similar to Claim 1, except in the context of a apparatuses. It is therefore respectfully submitted that Claims 21 and 22 are patentable over *Meyer* for at least the reasons set forth herein with respect to Claim 1.

In view of the foregoing, it is respectfully submitted that Claims 1, 10, 11 and 20-22 are patentable over *Meyer*. Accordingly, reconsideration and withdrawal of the rejection of Claims 1, 10, 11 and 20-22 under 35 U.S.C. § 102(b) as being anticipated by *Meyer* is respectfully requested.

REJECTION OF CLAIMS 23 AND 24 UNDER 35 U.S.C. § 103(a)

Claims 23 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Meyer*. Claims 23 and 24 recite limitations similar to Claim 1, except in the context of apparatuses. It is therefore respectfully submitted that Claims 21 and 22 are patentable over *Meyer* for at least the reasons set forth herein with respect to Claim 1. Accordingly, reconsideration and withdrawal of the rejection of Claims 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Meyer* is respectfully requested.

CONCLUSION

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Edward A. Becker

Reg. No. 37,777

Date: _____

9/5/06


2055 Gateway Place, Suite 550
San Jose, CA 95110
(408) 414-1204
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Amendment**, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on September 5, 2006

by


Susan Jensen